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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,924	01/23/2004	Russell D. Bailey	2639-000002/Us	7846
28997	7590	12/13/2005	EXAMINER	
HARNESS, DICKEY, & PIERCE, P.L.C. 7700 BONHOMME, STE 400 ST. LOUIS, MO 63105			ROWAN, KURT C	
		ART UNIT	PAPER NUMBER	3643

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/763,924	BAILEY, RUSSELL D.	
	Examiner	Art Unit	
	Kurt Rowan	3643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on Sept. 6, 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 11, 2005 has been entered.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-7, 9-11, 13-17, 19-23 are rejected under 35 U.S.C. 103(a) as being

obvious over Torberg in view of Cherry.

The patent to Torberg shows a waterfowl duck decoy having a buoyant body 12 and an eccentrically weighed reel 10 rotatably mounted to the buoyant body. The patent to Torberg shows a decoy having reel as shown in Fig. 1 with an eccentric weight 84 rotatably mounted in the buoyant body. Torberg shows a flexible anchor line 70 attached to the reel and an anchor 80 attached to the anchor line. Torberg discloses

that the eccentrically weighted reel that resists unwinding of the line from the reel after the anchor hits bottom in column 5, lines 62-68. The anchor has sufficient weight to overcome the eccentric weight to cause the line to unwind until the anchor hits bottom. Torberg shows an integrated crank means that has retraction means since the ball joint 88 snaps into socket 90. The patent to Cherry shows a floating waterfowl decoy having buoyant body 10, a weighted reel 12 rotatably mounted to the body, a flexible anchor line 24 attached to the reel and an anchor 14 attached to the anchor line. Cherry shows an integrated cranking means on reel 12. In reference to claims 1-3, 11, 20, it would have been obvious to provide Torberg with a recess as shown by Cherry to store the reel and the anchor for the purpose of reducing the volume of the decoy apparatus. Cherry shows a recess 30 with the reel 12 mounted in the recess and partially disposed within the recess and partially disposed outside the recess as shown in Fig. 1. In reference to claim 4, Cherry mounts the reel 12 in the recess 30 by a shaft 36 as shown in Fig. 1 and disclosed in column 5, line 6. In reference to claim 5, Cherry mounts the reel to the shaft in the recess. In reference to claim 6, Cherry shows the reel partially disposed in the recess of the buoyant body as shown in Fig. 1. In reference to claim 7, the anchor line extends out from the recess and can be considered to extend through an opening in the body which the recess is. Cherry shows a hole 60 in the outer hub of the reel. In reference to claim 9, Cherry shows the integrated cranking means integrates with the buoyant body by retraction means 36,64. In reference to claim 10, Cherry shows one or more holes 60 located in the outer hub of the reel as shown in Fig. 4 and disclosed in column 5, line 38. In reference to claim 13, Cherry shows the

integrated cranking means 22 integrating with the buoyant body by retraction means 26. In reference to claim 14, Cherry shows the buoyant body having a recess 30. In reference to claim 15, Cherry shows the reel mount 36 in the recess 30 where the recess is partly made up of the decoy body and the keel. In reference to claim 16, Cherry shows the reel partially disposed within a recess in the buoyant body and partially disposed out side the recess. In reference to claim 17, Cherry shows the anchor line 24 being trained through opening 30 in the buoyant body.

3. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Torberg and Cherry as applied to claim 1 above, and further in view of Cram. The patents to Torberg, Cherry and Cram show decoys. Torberg and Cherry have been discussed above and do not show the buoyant body having the anchor partially disposed therein. Cram shows a counter sunk anchor 6 and hole 8 in the decoy body as shown in Fig. 1. In reference to claims 8 and 18, it would have been obvious to provide the decoy of Torberg as modified by Cherry with counter-sunk anchor and hole in the decoy body as shown by Cram to prevent the anchor from flopping around and damaging other decoys when stored.

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Torberg and Cherry as applied to claim 11, further in view of Lu.

The patents to Torberg and Cherry show a waterfowl decoy as discussed above. Torberg and Cherry do not show a integrated crank means having an inner crank member operably joined to an outer crank member. Lu shows a fishing reel having a

crank with an inner member 10 and an outer member 20. The outer member has a handle 24 attached thereto. Lu shows a jointed attachment 22, 112, 221 between the inner member and the outer member. In reference to claim 12, it would have been obvious to provide the decoy of Torberg as modified by Cherry with an inner crank and an outer crank as shown by Lu since merely one cranking means is being substituted for another and the function is the same.

Response to Arguments

5. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kurt Rowan whose telephone number is (571) 272-6893. The examiner can normally be reached on Monday-Thursday 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kurt Rowan
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KR